
By: **Delegate Costa**

Introduced and read first time: January 23, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs - Emergency Back-Up Generator**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
4 regulations that require certain assisted living programs to have a certain
5 emergency back-up generator on the premises; providing for the effective date of
6 this Act; and generally relating to assisted living programs and emergency
7 back-up generators.

8 BY repealing and reenacting, without amendments,
9 Article - Health - General
10 Section 19-1805(a)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)
13 (As enacted by Chapter 195 of the Acts of the General Assembly of 1999)

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-1805(c)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2003 Supplement)
19 (As enacted by Chapter 195 of the Acts of the General Assembly of 1999)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Health - General**

23 19-1805.

24 (a) The Department shall:

25 (1) Define different levels of assisted living according to the level of care
26 provided;

1 (2) Require all assisted living programs to be licensed to operate
2 according to the level of the program;

3 (3) Develop a waiver process for authorizing an assisted living program
4 to continue to care for an individual whose medical or functional condition has
5 changed since admission to the program to an extent that the level of care required by
6 the individual exceeds the level of care for which the program is licensed;

7 (4) Promote affordable and accessible assisted living programs
8 throughout the State;

9 (5) Establish and enforce quality standards for assisted living programs;

10 (6) Require periodic inspections of assisted living program facilities,
11 including at least an annual unannounced on-site inspection;

12 (7) Establish requirements for the qualifications or training or both of
13 assisted living program employees;

14 (8) Establish a "resident bill of rights" for residents of assisted living
15 program facilities; and

16 (9) Define which, if any, assisted living programs may be exempt from
17 the requirements of § 19-311 of this title.

18 (c) (1) The Department, in consultation with representatives of the affected
19 industry and advocates for residents of the facilities and with the approval of the
20 Department of Aging and the Department of Human Resources, shall adopt
21 regulations to implement this subtitle.

22 (2) The regulations adopted under paragraph (1) of this subsection shall:

23 (i) Provide for the licensing of assisted living programs and the
24 renewal of licenses;

25 (ii) Require the Secretary to charge fees in a manner that will
26 produce funds not to exceed the actual direct and indirect costs to the Department for
27 inspecting assisted living program facilities and maintaining the licensure program
28 for assisted living programs under this subtitle;

29 (iii) Require the Department, during a survey or other inspection of
30 an assisted living program, to review the number of waivers granted to the program
31 under subsection (a)(3) of this section and determine whether a change in the
32 program's licensure status is warranted; [and]

33 (iv) Require an assisted living program facility to post in a
34 conspicuous place visible to actual and potential residents of the facility and other
35 interested parties:

- 1
2 survey;
- 3
4 federal, State, or local surveyors; and
- 5
6 or complaint investigation; or
- 7
8 listed in item 1 of this item; AND
1. A. Its statement of deficiencies for the most recent
 - B. Any subsequent complaint investigations conducted by
 - C. Any plans of correction in effect with respect to the survey
2. A notice of the location, within the facility, of the items

9 (V) REQUIRE AN ASSISTED LIVING PROGRAM THAT PROVIDES
10 SERVICES TO SIX OR MORE INDIVIDUALS TO HAVE ON THE PREMISES AN
11 EMERGENCY BACK-UP GENERATOR THAT IS IN WORKING CONDITION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2004, the effective date of Chapter 195 of the Acts of the General
14 Assembly of 1999. If the effective date of Chapter 195 is amended, this Act shall take
15 effect on the taking effect of Chapter 195.